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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,059	09/26/2003	Stefan Baggstrom	944-1.117	1237

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER
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PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/673,059	Applicant(s) BAGGSTROM ET AL.	
	Examiner JULIO PEREZ	Art Unit 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 13-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 5, 12, 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/08/2010 has been entered.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 8-10, 13-15, 19, 20-21, 23, is withdrawn in view of the newly discovered reference(s) to Sammarco (2004/0121781). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

3. Claim1 is objected to because of the following informalities: insert -- communication -- before the term "device "in lines 3, 4, and 7, respectively. Appropriate correction is required.

4. Claim 5 is objected to because of the following informalities: insert -- communication -- before the term "device "in line 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 8, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the device" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the device" in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1- 3, 6-10, 13-21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sammarco (2004/0121781) in view of Chitrapu (US 20040092265) in view of Dowling (US20060195551A1).

Regarding claim 1, Sammarco discloses a device obtaining information about one currently active cellular network system to which the device has one active connection for respective connected applications hosted by the device (Figure 5, # 130, scans for alternate communication systems; thus, gains information about other systems; par. 16, describes the multi-mode terminal with at least two types of warless systems, i.e., GSM and IS-136; par. 18, provides connections to two or more warless protocols with different applications); and deciding whether to allow establishing a new

connection to one of the currently active cellular network systems on behalf of another application hosted by the device (pars. 20-23, establishes connection to one or the other system based on the availability of services (i.e., reads on application, as the "application" does not exclude handoff (i.e., an application), thus, availability of services in respective areas on a system can be read as an application).

Although Sammarco teaches connection to active cellular networks, Sammarco does not specifically suggest based on factors including the information about currently active network systems. Chitrapu, however, discloses information about combinations of different connections allowed by each currently active network system (Fig. 2, #'s 14a, 22, 24, Fig. 4, #'s s2, s4; par. 15, lines 1-12; pars. 16-17).

Sammarco and Chitrapu are analogous art because they are from a similar field of endeavor in providing connection to devices by providing connection to different systems. Thus, it would have been obvious to one of skill in the art at the time of the invention to modify the teaching of Sammarco with information about combinations of different connections allowed taught by Chitrapu in order that the device would generate indication of changing to a different system based on information that is appropriate for continuing the connection for more efficient and accurate communication.

Sammarco and Chitrapu do not explicitly teach wherein the information includes at least the number and type of connections currently in use. Dowling, however, teaches one or more servers coupled to the packet transport interface for routing functions for packet rerouting within the proximity of the mobile device (pars. 27, 28, 33, 34, 37-41).

Sammarco, Chitrapu, and Dowling are analogous art because they are from a similar field of endeavor in providing connections to several systems and providing information or data to several devices via wireless connections. Thus, it would have been obvious to one of skilled in the art at the time of the invention to modify the teachings of Sammarco in view of Chitrapu with the feature of servers coupled to the packet transport interface for routing functions for packet rerouting within the proximity of the mobile device taught by Dowling in order to provide means to detect amount of traffic or load within the system and provide a load balancing scheme.

Regarding claim 2, the combination discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (Chitrapu, col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 3, the combination discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use (Chitrapu, pars. 16-17, par. 22, lines 5-13).

Regarding claim 6, the combination discloses the factors also include the maximum amount of concurrent packet switched data allowed by the connections currently in use (Chitrapu, pars. 16-17, par. 22).

Regarding claim 7, the combination discloses the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (Chitrapu, Fig. 3, includes GSM cellular system, # 26).

Claim 8 contains subject matter similar to claim 1, and thus, is rejected under similar rationale. Sammarco, par. 17, teaches communication with GSM to receive and transmit data signaling.

Claim 9 contains subject matter similar to claim 2, and thus, is rejected under similar rationale.

Claim 10 contains subject matter similar to claim 3, and thus, is rejected under similar rationale.

Claim 13 contains subject matter similar to claim 6, and thus, is rejected under similar rationale.

Claim 14 contains subject matter similar to claim 7, and thus, is rejected under similar rationale.

Regarding claim 15, the combination discloses claim 8, further comprising a cellular network information server, responsive to a request to provide the information about currently active cellular network systems, for providing such information (Sammarco, pars. 19-22, describe scanning for cellular systems available).

Claim 16 contains subject matter similar to claims 1 and 8, and thus, is rejected under similar rationale. Sammarco further teaches pars. 29-31 with switching means to include programming in order to instruct changing scan for wireless systems and switch to one or the other.

Regarding claim 17, the combination discloses readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, wherein said computer program code includes instructions for performing the method of claim 5 (Sammarco, pars. 20-23, establishes connection to one or the other system based on the availability of services).

Regarding claim 18, the combination discloses embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps (Chitrapu, par. 23, and lines 1-15).

Regarding claim 19, the combination discloses comprising an operator network having at least one cellular system, and also comprising a mobile terminal including an apparatus as in claim 8 (Sammarco, Figure 1, #'s 10, 20).

Claim 20 contains subject matter similar to claim 19, and thus, is rejected under similar rationale.

Claim 21 contains subject matter similar to claim 8, and thus, is rejected under similar rationale.

Regarding claim 23, the combination discloses mobile terminal (Sammarco, Figure 1, \$ 10), comprising: an apparatus as in claim 8; and means for wirelessly communicating with the one or more currently active cellular communication systems (Figure 1, #'s 10, 20 or 30, communicates with GSM or IS-135).



***Allowable Subject Matter***

9. Claims 5, 12, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either singularly or in combination, teach or fairly suggest wherein the application making a request of the device to establish the network connection and including in the request an identifier for the application, wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections currently in use.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/23/2010

/J. P./  
Examiner, Art Unit 2617

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2617